(3)

(I)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

Single Bench

WRIT PETITION NO 154 OF 2005

PETITIONER

NIRANJAY KUMAR PANDEY
S/O SHRI DENESH PANDEY
AGED ABOUT 33 YEARS
OCCUPATION- ASSTT. TEACHER,
GOVERNMENT GIRLS PRIMARY
SCHOOL, SEMARTAL, BLOCK-
BILHA DISTRICT- BILASPUR (C.G.)

VERSES

RESPONDENT

1. STATE OF CHHATTISGARH
THROUGH : SECRETARY SCHOOL
EDUCATION DEPARTMENT
D.K. BHAVAN, RAIPUR (C.G.)

2. DISTRICT EDUCATIONAL OFFICER
BILASPU(C.G)

3. BLOCK EDUCATION OFFICER
BILHA, DISTT - BILASPUR (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA

(73)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 154/2005

Petitioner : Niranjay Kumar Pandey

Versus

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Dhirendra Mishra, counsel for the petitioner.

Shri V. V. S. Murty, Deputy Advocate General for the respondents/State.

O R D E R

(Passed on this 15th December, 2006)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. By these petition under Article 226/227 of the Constitution of India the petitioner seeks a direction to the respondents to grant regular pay scale, increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000.

2. Learned counsel appearing for the petitioner submits that the petitioner was appointed on the post of Assistant Teacher vide order dated 1.7.1995 (Annexure P/1) on probation for a period of two years on the fixed pay of Rs. 1200/-. After completion of the probation period though the petitioner has been paid salary in accordance with the regular pay scale but for the probation period he was not paid the benefit of regular pay scale and increments etc., as is granted to other similarly situated persons.

3. Learned counsel for the petitioner placed reliance on the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (NemSingh

Thakur and others Vs. State of Chhattisgarh & others) and submits that the petitioner is similarly situated, therefore the similar order may be passed.

4. Learned counsel for the petitioner further submits that the petitioner may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioner and the same pay scale which have been sanctioned to other similarly situated teachers on the basis of the order dated 31.3.2000 of the State Administrative Tribunal, to which learned State counsel has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all his grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioner stand on the same footings, as the petitioners in the O.A. No. 1452/98 then he be also granted the same benefits.

6. This writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur